

REAL ESTATE BOARD
MINUTES OF MEETING

January 15, 2009

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Carol F. Clarke, Chair
Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Sharon P. Johnson
Scott Gaeser
Florence Daniels

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Liz Hayes, Fair Housing Administrator
Angela Keefe-Thomas, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Thomas Nesbitt and Tom Payne from the Office of the Attorney General were present.

Carol Clarke called the meeting to order at 9:03 A.M.

Call to Order

Nancy Frantrel addressed the Board concerning abandoned mines on property disclosures and provided the following website www.dmme.virginia.gov/DMR3/abandonedmines.shtml as a resource. No action was taken by the Board.

Public Comment

A motion was made by Mr. Oglesby and seconded by Mr. Gaeser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Agenda

A motion was made by Ms. Taylor and seconded by Ms. Johnson to adopt the following minutes: October 23, 2008, Informal Fact-Finding Conference; November 5, 2008, (Licensing) Informal Fact-Finding Conference; November 5, 2008, (Disciplinary) Informal Fact-Finding Conference; November 6, 2008, (Licensing) Informal Fact-Finding Conference; November 6, 2008, (Disciplinary) Informal Fact-Finding Conference; November 6, 2008, Real Estate Board Meeting; November 10, 2008, Informal Fact-Finding Conference; November 17, 2008, Informal Fact-Finding Conference; November 19, 2008, Informal Fact-Finding Conference; November 21, 2008, Informal Fact-Finding Conference; November 24, 2008, Informal Fact-Finding Conference; November 25, 2008, Informal Fact-Finding Conference; December 1, 2008, Informal Fact-Finding Conference; December 4, 2008, Informal Fact-Finding Conference; and December 8, 2008, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Karen Webb v. Susan P. Kephart, Charles M. Chappell and Chappell Real Estate, Inc., REB File Number 2008-03599**, the case was deferred to the next Board meeting. No action was taken by the Board.

In the matter of **Shannon Wolfe v. Joseph D. Dreyfuss, II and Dreyfuss Brothers, Inc., REB File Number 2009-00090**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **Patricia Walsh v. Bettie Tussey, Carolyn Brockwell and Dawn Bradley, REB File Number 2008-04043**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Patricia Walsh, complainant, and Andrew Elmore, attorney for the respondents, were present and addressed the Board.

Minutes

Fair Housing Administrators Report

Karen Webb v. Susan P. Kephart, Charles M. Chappell and Chappell Real Estate, Inc., REB File Number 2008-03599

Shannon Wolfe v. Joseph D. Dreyfuss, II and Dreyfuss Brothers, Inc., REB File Number 2009-00090

Patricia Walsh v. Bettie Tussey, Carolyn Brockwell and Dawn Bradley, REB File Number 2008-04043

At 9:25 A.M., Ms. Daniels offered a motion which was seconded by Mr. Gaeser, that the Board be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, and Angela Keefe-Thomas.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

Fair Housing Case 2. REB File Number 2008-04043, Patricia Walsh v. Bettie Tussey, Carolyn Brockwell and Dawn Bradley

Fair Housing Case 4. REB File Number 2007-00009, Bettie High v. Hercules Real Estate Services, Inc., et al.

Fair Housing Case 5. REB File Number 2007-02016, Rosalyn Jackson-Rush v. Georges & Company and Christopher A. Georges

Fair Housing Case 6. REB File Number 2007-01497, Shelby James v. George's Realty, Inc. and Ray Priola

At 10:09 A.M., a motion was made by Ms. Johnson and seconded by Mr. Gaeser that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 9-0

AYES: Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

NAYS: None

ABSENT FROM THE VOTE: None

ABSENT DURING THE MEETING: None

In the matter of **Patricia Walsh v. Bettie Tussey, Carolyn Brockwell and Dawn Bradley, REB File Number 2008-04043**, a motion was made to find reasonable cause the respondents discriminated against the complainant by refusing to make a reasonable accommodation based on handicap. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. Member voting "No" was Oglesby.

Patricia Walsh v. Bettie Tussey, Carolyn Brockwell and Dawn Bradley, REB File Number 2008-04043

In the matter of **Bettie High v. Hercules Real Estate Services, Inc., et al., REB File Number 2007-00009**, A motion was made by Ms. Johnson and seconded by Ms. Clark to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Settlement Agreement

In the matter of **Rosalyn Jackson-Rush and Alphonso Rush v. Georges & Company and Christopher A. Georges, REB File Number 2007-02016**, A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Settlement Agreement

In the matter of **Shelby James v. George's Realty, Inc. and Ray Priola, REB File Number 2007-01497**, A motion was made by Mr. Oglesby and seconded by Ms. Daniels to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Settlement Agreement

A motion was made by Ms. Johnson and seconded by Ms. Daniels to approve the Fair Housing Sub-Committee minutes of November 6, 2008. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Fair Housing Minutes

In the matter of **File Number 2009-01733, Reginald Porter, Sr., the**

File Number 2009-01733,

Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Porter, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Porter's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Reginald Porter, Sr.

In the matter of **File Number 2009-01043, Susan L. Laudenslager**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Laudenslager, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Laudenslager's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby. Member voting "No" was Taylor.

File Number 2009-01043,
Susan L. Laudenslager

In the matter of **File Number 2009-01045, Philip L. Innes**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Innes, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Innes' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01045,
Philip L. Innes

In the matter of **File Number 2009-00951, Armin D. Harris, Sr.**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Harris, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of*

File Number 2009-00951,
Armin D. Harris, Sr.

Virginia, approve Mr. Harris' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-01231, David C. Reutershan**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Reutershan, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Mr. Oglesby to reconvene an Informal Fact-Finding Conference with a Board member to preside. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01231,
David C. Reutershan

In the matter of **File Number 2009-01176, Barbara Wilson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Wilson, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Wilson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01176,
Barbara Wilson

In the matter of **File Number 2009-01232, Thurman Battle**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Battle, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser, and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Battle's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-01232,
Thurman Battle

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-01874, Gloria Lynn Gardner-Shaw**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the

File Number 2007-01874,
Gloria Lynn Gardner-
Shaw

Informal Fact-Finding Conference of the presiding Board member. Robert Stoney, attorney for the complainant, and Jerry Ragland, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2131.A.4 (Count 1), of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,200.00 for the violation contained in Count 1. The Board also imposes the following sanctions: As to Count 1, suspension of license until such time as Gardner-Shaw provides evidence acceptable to the Board that she has attended and successfully completed eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board. Such course(s) shall be completed in classroom (no on-line courses). Gardner-Shaw must provide proof of course completion within ninety (90) days of the execution of the order. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. In addition, for violation of Count 1, the Board voted that Gardner-Shaw's license be placed on probation for two (2) years. While on probation, Gardner-Shaw, and her broker, will provide quarterly reports to the Board that she is in compliance with the rules and regulation of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,000.00 for the violation contained in Count 2. In addition, for the violation of Count 2, the Board voted that Gardner-Shaw's license be placed on probation for two (2) years. While on probation, Gardner-Shaw, and her broker, will provide quarterly reports to the Board that she is in compliance with the rules and regulation of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels,

Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01951, Dawn L. Klassen**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Dawn Klassen, respondent, and Paul Arnone, participant, were present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 3), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-01951,
Dawn L. Klassen

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 3. The Board also imposes the following sanctions: Klassen's license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and

successfully completed continuing education which is to include: four (4) hours pertaining to real estate agency; and four (4) hours of Ethics and/or other equivalent course approved by the Board. Such courses shall be completed in classroom (no on-line courses). Klassen must provide proof of the course completion within 90 days of the entry of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03617, Charles Badu**, the Board reviewed the Consent Order as seen and agreed to by Mr. Badu. Charles Badu, respondent, was present and addressed the Board. The matter was remanded to an Informal Fact-Finding Conference. No action was taken by the Board.

File Number 2008-03617,
Charles Badu

In the matter of **File Number 2008-01377, Eugene Joseph Fisher, Jr.**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Eugene Fisher, Jr., respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-01377,
Eugene Joseph Fisher,
Jr.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1. In addition, for the violation contained in Count 1, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-

Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 2. In addition, for the violation contained in Count 2, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03836, James Robert Rogers**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. James Rogers, respondent, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-03836,
James Robert Rogers

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04368, Karlene Cassandra Tolbert**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Karlene Tolbert, respondent, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.1 (Count 1), of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2008-04368,
Karlene Cassandra
Tolbert

A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal

Fact-Finding Conference to impose revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03850, I. Renate Alvarez**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. I. Renate Alvarez, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310.2 (Count 1), of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-03850,
I. Renate Alvarez

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1. In addition, for the violation of Count 1, the Board voted to place Alvarez's license on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed three (3) hours of continuing education pertaining to real estate contracts and/or other equivalent course approved by the Board. Such courses shall be completed in classroom (no on-line courses). Alvarez must provide proof of the course completion within six (6) months of the execution of the Order. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Daniels, Johnson and Oglesby. Members voting "No" were Childress, Clark and Gaeser.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

The Board recessed from 11:30-11:45.

Break

In the matter of **File Number 2009-01046, Vincent S. Carfora**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and

File Number 2009-01046,
Vincent S. Carfora

the Summary of the Informal Fact-Finding Conference of the presiding Officer. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia*, approve Mr. Carfora's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Oglesby.

In the matter of **File Number 2009-01047, Jacqueline D. Kretzer**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Kretzer's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01047,
Jacqueline D. Kretzer

In the matter of **File Number 2008-03771, George Thomas Garten**, the Board reviewed the Consent Order as seen and agreed to by Mr. Garten. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Garten admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Garten agrees to two (2) years probation of his license as of the effective date of the order. During this two (2) year probation, Garten agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Comply with the terms of his probation as assigned by the court; (3) Not be in violation of any local, state, or federal laws or regulations; and (4) Provide to the Board, on a quarterly basis, a written statement and supporting documentation that he is in compliance with the terms listed above. If Garten violates any terms of this probation, his license shall be automatically revoked. Garten understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Taylor. Member voting "No" were Johnson and Gaeser.

File Number 2008-03771,
George Thomas Garten

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02831, Dora Lee Taylor**, the Board reviewed the Consent Order as seen and agreed to by Ms. Taylor. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Ms. Taylor admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Taylor agrees to her license being placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed two (2) hours of continuing education pertaining to Real Estate Ethics and Standards of Conduct and/or other equivalent course approved by the Board. Such course(s) shall be completed in classroom (no on-line courses). Taylor must provide proof of course completion within (3) months of the execution of the Order. Satisfactory completion of the above-referenced course(s) will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-02831,
Dora Lee Taylor

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04655, Tahir Hassan Alaragy, Jr.**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-300.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-300.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes"

File Number 2008-04655,
Tahir Hassan Alaragy,
Jr.

were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-250 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-170.A.1 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, and \$1,000.00 for the violation contained in Count 5, for a total of \$9,500.00. In addition, for the violations contained in Counts 1 through 5, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03363, Philip Anthony Oakley**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-180.B.1.b (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-03363,
Philip Anthony Oakley

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal

Fact-Finding Conference to impose a monetary penalty of \$1,100.00 for the violation contained in Count 1, and \$800.00 for the violation contained in Count 2, for a total of \$1,900.00. In addition, the Board also imposes the following sanctions: Oakley's license will be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed four (4) hours of continuing education pertaining to Escrow Management and/or other equivalent course approved by the Board. Such courses shall be completed in classroom (no on-line courses). Oakley must provide proof of the course completion within 90 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01138, Frank W. Haines**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of §54.1-2135.A.1 (Count 1) of the *Code of Virginia*, find a violation §54.1-2135.A.1 (Count 2) of the *Code of Virginia*, and find a violation of 18 VAC 135-20-260.10 of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-01138,
Frank W. Haines

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,200.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to reject the recommendation contained in Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$2,000.00 for the violation contained in Count 3. The Board also imposes the following sanctions: For Count 3, suspension of license for a period of six (6) months. In addition, Haines' license will be placed on probation

for a period of three (3) years. While on probation, Haines will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. Also, the Board voted that the three (3) year probation will begin at the conclusion of the license suspension. Further, the Board voted that while on probation, Haines provides evidence acceptable to the Board that he has attended and successfully completed sixteen (16) hours of continuing education which is to include: (4) hours pertaining to Escrow Management; (4) hours pertaining to Contracts; and (8) eight hours pertaining to Ethics. Such course shall be completed in classroom (no on-line courses). Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The Board voted to include license suspension and continuing education due to the serious nature of the violations and based upon Haines' prior disciplinary action. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00784, Darlene Delacruz Moran**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-00784,
Darlene Delacruz Moran

A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$800.00 for the violation contained in Count 1, for a total of \$800.00. In addition, the Board imposes the following sanctions: The Board voted that Moran's license be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board. Such course shall be completed in classroom (no on-line courses). Moran must provide proof of the course completion within 90 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were

Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01225, John Kerry Collins**, the Board reviewed the Consent Order as seen and agreed to by Mr. Collins. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Collins admits to a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2009-01225,
John Kerry Collins

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00471, Paige Anne Kormeluk**, the Board reviewed the Consent Order as seen and agreed to by Ms. Kormeluk. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Kormeluk admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2008-00471,
Paige Anne Kormeluk

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00072, Nathaniel Margenau**, the Board reviewed the Consent Order as seen and agreed to by Mr. Margenau. A motion was made by Ms. Johnson and seconded by Ms. Clark to reject the proposed Consent Order, and extend a counter offer to Mr. Margenau wherein Mr. Margenau admits to a violation of §54.1-2139.A. (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-210.A (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-290.2 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count 2, \$300.00 for the violation contained in Count 3, and \$1,650.00 for the violation contained in Count 4, as well as \$150.00 for Board

File Number 2009-00072,
Nathaniel Margenau

costs, for a total of \$2,800.00. In addition, for the violation of Count 2, the Board voted to place Margenau's license on probation for two (2) years. While on probation, Margenau and his broker will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. Also, for the violation of Count 4, Margenau agrees to complete at least eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education will not count towards any continuing education requirements, if applicable, for renewal of license. If Mr. Margenau does not accept the counter offer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The Board voted to increase the monetary penalty, and to add quarterly reporting due to the seriousness nature of the violation.

The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01574, Insoo Kim**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-240 (Count 1), of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-170.A.3 (Count 2), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2008-01574,
Insoo Kim

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2, for a total of \$3,500.00. In addition, the Board also imposes revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01344, Soon Hye Chung**, the Board reviewed the Consent Order as seen and agreed to by Ms. Chung. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Chung admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to no monetary penalty for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Chung agrees to complete at least (3) three hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-01344,
Soon Hye Chung

As the Board member who reviewed the file, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02537, Ira Heard, III**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-280.2 (Count 1), of the Board’s 2003 Regulations, and find a violation of 18 VAC 135-20-270.3 (Count 2), of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-02537,
Ira Heard, III

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$750.00 for the violation contained in Count 2, for a total of \$1,750.00. In addition, the Board also imposes revocation of license for the violations of Count 1 and Count 2. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00257, Richard Raymond Wynn**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2139.B (Count 1) of the *Code of Virginia*, find a violation of 18 VAC 135-20-270.3 (Count 2), of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-240 (Count 3), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-00257,
Richard Raymond
Wynn

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for the violation contained in Count 2, and \$2,500.00 for the violation contained in Count 3. In addition, the Board also imposes revocation of license for the violations contained in Count 2 and Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$500.00 for the violation contained in Count 1. The monetary penalty for Counts 1-3 total \$3,750.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04557, Victor Matthew Stemberger, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Stemberger. A motion was made by Ms. Clark and seconded by Mr. Oglesby to accept the proposed Consent Order wherein Mr. Stemberger admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, for the violation of Count 1, Stemberger agrees to complete at least (6) six hours of

File Number 2008-04557,
Victor Matthew
Stemberger, Jr.

continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02590, Mary Gathaleen McClellan**, the Board reviewed the Consent Order as seen and agreed to by Ms. McClellan. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. McClellan admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$450.00. In addition, for the violation of Count 1, McClellan agrees to complete at least (2) two hours of continuing education pertaining to Real Estate Contracts and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2008-02590,
Mary Gathaleen
McClellan

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00826, Alberta Huwar**, the Board reviewed the Consent Order as seen and agreed to by Ms. Huwar. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the proposed Consent Order wherein Ms. Huwar admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and admits to a violation of 18 VAC 135-20-310.2 of the Board's 1999 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,000.00. In addition, for the violation of Counts 1 and 2, Huwar agrees to complete at least (8) eight

File Number 2009-00826,
Alberta Huwar

hours of continuing education pertaining to Real Estate Contracts and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03932, George Antonio Spruill**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-280.2 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2008-03932,
George Antonio Spruill

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. The Board also imposes revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-03716, Donna Gayle Hawkins**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-180.B.1.b (Count 1) of the Board's 2003 Regulations, and to find a violation of 18 VAC 135-20-270.3 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes"

File Number 2007-03716,
Donna Gayle Hawkins

were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

A motion was made by Ms. Clark and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$800.00 for the violation contained in Count 1, and \$800.00 for the violation contained in Count 2, for a total of \$1,600.00. The Board also imposes revocation of license for the violations contained in Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2008-01378, Thomas William Beck, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Beck. A motion was made by Mr. Gaeser and seconded by Mr. Oglesby to accept the proposed Consent Order wherein Mr. Beck admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, admits to a violation of 18 VAC 135-20-260.5 of the Board's 2003 Regulations, and admits to a violation of 18 VAC-20-260.6 of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Count 1 through 3. In addition, for the violations contained in Counts 1 through 3, Beck agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-01378,
Thomas William Beck,
III

As the Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2008-04066, Tamara Adele Inzunza**, the Board reviewed the Consent Order as seen and agreed to by Ms. Inzunza. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Inzunza admits to a violation of 18 VAC 135-20-300.4 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$400.00. In addition, for the violation of Count 1, Inzunza agrees

File Number 2008-04066,
Tamara Adele Inzunza

to complete at least (4) four hours of continuing education pertaining to Real Estate Contracts and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04177, Wanda Faye Snead**, the Board reviewed the Consent Order as seen and agreed to by Ms. Snead. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to reject the proposed Consent Order, and extend a counter offer to Ms. Snead wherein Ms. Snead admits to a violation of 18 VAC 135-20-300.4 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 for Board costs, for a total of \$650.00. In addition, for the violation of Count 1, Snead agrees to complete at least four (4) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education will not count towards any continuing education requirements, if applicable, for renewal of license. If Ms. Snead does not accept the counter offer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-04177,
Wanda Faye Snead

As the Board member who reviewed the file, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04485, Monique L. Summerlin**, the Board reviewed the Consent Order as seen and agreed to by Ms. Summerlin. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Ms. Summerlin admits to a violation §54.1-2138.A (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. In addition, for the violation of Count 1, Summerlin agrees to complete at

File Number 2008-04485,
Monique L. Summerlin

least (2) two hours of continuing education pertaining to laws and regulations and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-01237, Mohamud Ali**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ali. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Ali admits to a violation 18 VAC 135-20-190.D.2 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$400.00. In addition, for the violation of Count 1, Ali agrees to complete at least (6) six hours of Board-approved education pertaining to Advertising and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01237,
Mohamud Ali

In the matter of **File Number 2009-01197, Bernadine White Doggett**, the Board reviewed the Consent Order as seen and agreed to by Ms. Doggett. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Doggett admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty but agrees to pay \$150.00 in Board costs for the violation contained in Count 1. In addition, for the violation of Count 1, Doggett agrees to revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01197,
Bernadine White
Doggett

In the matter of **File Number 2009-00456, German Pomajambo**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pomajambo. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the proposed Consent Order wherein Mr. Pomajambo admits to a violation §54.1-2131.A.2.a (Count 1) of the *Code of Virginia*,

File Number 2009-00456,
German Pomajambo

and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Pomajambo agrees to complete at least (8) eight hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor. Member voting "No" was Johnson.

In the matter of **File Number 2009-00455, James D. Hardy**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hardy. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the proposed Consent Order wherein Mr. Hardy admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Hardy agrees to complete at least (4) four hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-00455,
James D. Hardy

In the matter of **File Number 2009-00093, Linda P. Mather**, the Board reviewed the Consent Order as seen and agreed to by Ms. Mather. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Mather admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. In addition, for the violation of Count 1, Mather agrees to complete at least (4) four hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the

File Number 2009-00093,
Linda P. Mather

above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion failed. Members voting "Yes" were Childress, Clark, Daniels and Oglesby. Members voting "No" were Clarke, Gaeser, Johnson, and Taylor. Mr. Brown abstained from voting in the matter.

A motion was made by Ms. Johnson and seconded by Ms. Clark to reject the proposed Consent Order and remand the matter to an Informal Fact-Finding Conference in order to obtain additional information. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-00712, Steve Hyon So**, the Board reviewed the Consent Order as seen and agreed to by Mr. So. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the proposed Consent Order wherein Mr. So admits to a violation 18 VAC 135-20-270.3 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, So agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-00712,
Steve Hyon So

In the matter of **File Number 2008-02861, Vinay Gulati**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gulati. A motion was made by Ms. Johnson and seconded by Ms. Daniels to reject the proposed Consent Order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-02861,
Vinay Gulati

A motion was made by Ms. Johnson and seconded by Ms. Daniels to remand the matter to an Informal Fact-Finding Conference in order to obtain additional information. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-01029, Jonathan Stuart McGinnis**, the Board reviewed the Consent Order as seen and agreed to by Mr. McGinnis. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. McGinnis admits to a violation of 18 VAC 135-20-180.A.1 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$450.00. In addition, for violation of Count 1, McGinnis agrees to complete at least two (2) hours of Board-approved education

File Number 2009-01029,
Jonathan Stuart
McGinnis

pertaining to laws and regulations and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

The Board recessed for lunch from 12:40 P.M. to 1:05 P.M.

Break

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Gaeser to accept the January 14, 2009, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Education Committee Report

A motion was made by Ms. Clark and seconded by Mr. Gaeser to incorporate Curtis Seltzer's Consent Agreement in the January 15, 2009, Real Estate Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Old Business

Curtis Seltzer, File Number 2008-00151, Consent Agreement

**File Number 2008-00151,
Curtis Seltzer**

Pursuant to the Administrative Process Act §§2.2-4021 of the 1950 Code of Virginia, as amended:

On November 19, 2007, the Real Estate Board entered a Cease and Desist Order stating, "the Board is of the opinion that Mr. [Curtis] Seltzer may be acting as a real estate broker when he is not licensed by the Board in accordance with Title 54.1, Chapter 21." The Cease and Desist Order directed Mr. Seltzer to cease and desist from acting as an unlicensed real estate broker or salesperson in Virginia as defined in Title 54.1, Chapter 21 of the Code of Virginia and in the Board's regulations.

Mr. Seltzer timely appealed the Cease and Desist Order as provided by §54.1-2105.2 of the Code of Virginia and in accordance with the Administrative Process Act (§2.2-4000 *et seq.*).

On February 4, 2008, the Informal Fact-Finding Conference was convened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

On February 22, 2008, the Summary of the Informal Fact-Finding Conference (“the Summary”) and notification of the Real Estate Board (“the Board”) March 20, 2008 meeting was mailed, via certified mail, to Mr. Seltzer at the address of record. The certified mail was received.

On March 20, 2008, the Board met and reviewed the record, which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the presiding Board Member’s Summary and Recommendation from the Informal Fact-Finding Conference held on February 4, 2008, and a letter dated February 12, 2008, from J. Willcox Dunn, III, Esquire. Mr. Seltzer did appear at the Board meeting in person and by counsel.

The Board considered it applicable law: §§54.1-2100, 54.1-2101 and 54.1-2105.2 of the Code of Virginia. The Board and Mr. Seltzer, as evidenced by the signatures affixed below, enter into this Consent Agreement.

By signing this Consent Agreement, Mr. Seltzer agrees to the following:

Within thirty (30) days of the execution of this agreement, the following disclaimer shall be placed at the bottom of the homepage of Mr. Seltzer’s website (www.curtis-seltzer.com) and the bottom of the webpage titled “Ten Quick Tips for Buying Land in the Country for Investment and Profit” (www.curtis-seltzer.com/10tips.html): “Curtis Seltzer is not a licensed real estate broker or real estate salesperson in the Commonwealth of Virginia, and does not offer to provide those services.” The terms “real estate broker” and “real estate salesperson” shall be connected by hyperlink to the Official Website of the Commonwealth of Virginia’s web pages for Virginia Code §§54.1-2100 and 54.1-2101, which define real estate broker and real estate salesperson, respectively.

By signing this Consent Agreement, the Board agrees to the following:

The Board affirms that as of the date of the execution of this agreement, it has NOT found Curtis Seltzer in violation of the Code of Virginia or the regulations of the Real Estate Board for practicing real estate without a license.

The Board hereby dismisses the Cease and Desist Order issued to Curtis Seltzer on November 16, 2007 and closes the corresponding investigation with NO finding of violation.

To the extent feasible under the Virginia Freedom of Information Act,

§2.2-3700 *et. seq.* of the Code of Virginia, the Board will expunge from the record its proceedings against Mr. Seltzer.

The effective date of this Order shall be the date of the execution by the Board.

SO ORDERED: Entered this 8th day of May, 2008.

Kevin Hoeft, Education Administrator, presented the Board with a report on the Real Estate Advisory Council annual meeting, held on December 8, 2008. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the report and recommendations as presented. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Old Business

There being no further business, the Board adjourned at 2:20 P.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary